



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	23078(03)
	Date Issued: _____	10 April 2006
	Comments Due: _____	26 April 2006

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: Freeport LNG Development, L.P.
333 Clay Street, Suite 5050
Houston, Texas 77002-4101

AGENT: Michael Johns
1990 Post Oak Boulevard, Suite 200
Houston, Texas 77056-3817
Telephone: 281-731-8034

LOCATION: The project site is located on Quintana Island, on property leased from the Brazos River Harbor Navigation District, along the Freeport Harbor Channel and the Gulf Intracoastal Waterway, near the City of Freeport, in Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Freeport, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 275192; Northing: 3203304.

PROJECT DESCRIPTION: The applicant is requesting authorization to modify Department of the Army Permit Number 23078 to 1) add scour protection at the previously permitted Marine Terminal Berthing Area; 2) remove an existing FOC dock facility; 3) construct a temporary low-water crossing on the north side of the terminal facility; and 4) install open-celled articulated block matting in a portion of the mitigation area to prevent erosion.

The scour protection within the Marine Terminal Berthing Area is needed to protect the side slopes of the basin in areas that would be affected by vessel propeller wash and bow thruster velocities from LNG vessels. A bedding layer of smaller rock, approximately 0.4 feet in diameter, will be installed on the newly dredged surface. The armor layers of the rock system will consist of rock measuring approximately 2 feet in mean diameter and will be placed onto the prepared slope for a total thickness of 5 feet. Approximately 22,300 cubic yards of rock will be discharged into the newly created berthing area.

The FOC dock facility is located at the east end of Quintana Island and its removal is necessary to facilitate construction of the overall LNG facility. The removal of an abandoned FOC dock facility would not require any dredging or discharge of fill material into waters of the United States, including wetlands, but does constitute work in navigable waters. All material will be hauled offsite for disposal.

A temporary low-water crossing on the north side of the site is necessary to facilitate construction access. This crossing will not impact any wetlands or vegetated shallows. Approximately 400 cubic yards of material would be discharged into a small, tidally influenced drainage. Two 24-inch-diameter culverts will be placed into the drainage to maintain hydrology.

Stabilization of a portion of the wetland mitigation area will involve the installation of open-celled articulated block matting. The area to be impacted measures 54 feet wide by 75 feet long. The site is located at the outfall of a discharge structure and the matting is necessary to prevent scouring of the mitigation area during peak releases. *Spartina alterniflora* will be planted, in accordance with the previously authorized mitigation plan, in the space between the outfall structure and the gabion (as previously permitted) within the open cells. No additional impacts to wetlands will occur as a result of the proposed modifications.

Permit 23078 was issued on 30 December 2004 and authorized the construction, operation and maintenance of a liquefied natural gas receiving and transportation facility consisting of a marine terminal, storage and vaporization facility, pipeline, and associated electric utility line. Amendment (01) was issued on 10 April 2005, and authorized the construction of a temporary barge dock to offload sand and aggregate materials necessary to facilitate the construction of the Freeport LNG Terminal Facility. The original permit authorized the installation of a 36-inch-diameter pipeline. However, since the permit was issued, the pipeline diameter has been increased to 42 inches. Amendment (02) was issued on 7 March 2006 and authorized temporary and permanent impacts to waters of the United States associated with minor modifications to the previously permitted pipeline route.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The applicant's plans are enclosed in 10 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Railroad Commission certification is required.

Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

We reviewed the project site for cultural resources and found that there are no previously recorded historic properties known to exist within the proposed permit area. In addition, the historic resources associated with the Quintana Town Site (41BO135) were found to be greatly disturbed as a result of natural processes and previous development. Due to the poor preservation of the domestic/residential features and artifacts, the portion of Site 41BO135 located within the proposed construction area was determined to be not eligible for inclusion on the National Register of Historic Places. The historic cemetery (41BO123) located within the town site will be avoided and permanently protected. Therefore, the proposed activity will not affect historic properties. (For a detailed discussion on this topic refer to FEIS Sections 4.10 and 5.19)

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers (Corps), and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **26 April 2006**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

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